

Georgetown Board of Appeals (BOA)
Minutes of September 22, 2010, Meeting

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Chair Kate MacKay called the meeting to order at 10:05 a.m.

Members present: Chair **Kate** MacKay, Secretary **Dave** Fluharty, Full members **Ole** Jaeger, ,
and **Lindsay** Dorney.

Members Absent: Full member Jack Swift and Alternate member Chester Horne.

Others present: **Rick** Cliffe, Resident.

Chair Kate MacKay declared a quorum was present.

Minutes of the September 15, 2010, Meeting.

- Board members reviewed the minutes of its September 15 meeting.
Motion: To accept the September 15 meeting minutes as presented.
Moved by Ole, second by Lindsay. Vote: 4-0 for approval.

Rules of Procedure.

- Members reviewed the draft and Rick's comments, and discussed revisions.
Motion: To accept the *Rules of Procedure* as amended.
Moved by Dave, second by Ole. Vote: 4-0 for approval.
- The Board asked Dave to include the revisions in an adopted *Rules of Procedure* and distribute them to members.
 - ⇒ Members agreed to make the *Rules of Procedure* an attachment to these minutes and for Dave to forward it with the approved minutes to the Board of Selectmen, Mary McDonald, the Planning Board Chair, the Code Enforcement Officer, and the Town Web Manager. In that email Dave will ask the Web Manager to post the *Rules of Procedure* on the town website.
 - ⇒ Members agreed that Dave should provide copies to the Town Clerk.
- Rick noted that he thought the *Rules* would be useful for Board member orientation and reference. He thought it was too involved to be useful to applicants. He distributed a table summarizing the appeals process, which he proposed for applicants. Kate asked members to review the document for discussion at the Board's next meeting.

Questions About Variance Request and Ordinance Revisions.

- Kate reminded members that today the Board intended to discuss issues about Planning Board and BOA procedures regarding variance requests. However, the Planning Board's September 1 minutes described strong negative reaction by its members and the Code Enforcement Officer (CEO) to BOA proposals for ordinance revisions. BOA members sought, without success, to find a constructive means to communicate proposals, whether to make the variance request process more effective or for ordinance revisions.
- Members concluded that Planning Board members were unaware that the BOA ordinance proposals addressed appeals. Dave noted that on August 27 he emailed to the Planning Board Chair ten recommended revisions to the Building Permit Ordinance. The Board had prepared three of them with the CEO to enable administrative appeals of enforcement actions. The fourth clarified standing to file an appeal, clearly a vital interest of the Board. The remaining recommendations had a common characteristic: each revised an ambiguous and/or confusing provision that, if left unrevised, was a potential basis for an administrative appeal. It is in the best interest of everyone concerned to prevent appeals. The Town must pay for recorders of Board hearings, and affected town officials must spend time testifying. Most importantly, Town citizens as appellants must incur considerable time and expense to file an appeal. Other citizens are often parties and they, too, incur time and expense.

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- Members expressed reluctance to send the Planning Board proposed revisions for the SZO. Dave noted that his August 27 email to the Planning Board Chair included proposed revisions to the SZO for administrative appeals of enforcement actions. Members doubted that the Planning Board would act positively on the other draft proposals, even though they addressed potential bases for appeals. They agreed to take no further action.
- Kate will invite the PB Chair to attend a Board meeting if he wishes to discuss the variance request procedures and/or ordinance revision proposals.

Annual Report.

- Members discussed the Board's 2009-2010 report for the Town's *Annual Report*. Kate asked Dave to forward the report to Mary McDonald.

New Business.

- Kate invited Rick to become an alternate board member. He will inform Mary McDonald of his desire to join the Board, and ask her to relay that desire to the Board of Selectmen.

Next Meeting.

- Kate stated she would set the Board's next meeting when needed for administrative matters or appeal application review.

Adjourn.

Motion to adjourn: Moved by Dave, second by Lindsay. Vote: 4-0 for approval.

Adjourned at 12:15 p.m.

Attachment.

Rules of Procedure, Board of Appeals, Town of Georgetown Maine of September 22, 2010.

Approved by the Board: December 8, 2010.

Copies to after approval with attachment (via email):

Board of Selectmen

Administrative Assistant to the Board of Selectmen

Chair, Planning Board

Code Enforcement Officer/Web Manager